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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,271	09/01/2000	HIROYUKI YAMAMOTO	106851	7073
25944	7590	11/22/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			PARK, CHAN S	
			ART UNIT	PAPER NUMBER
			2622	
DATE MAILED: 11/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/654,271	YAMAMOTO, HIROYUKI
	Examiner	Art Unit
	CHAN S. PARK	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 August 2005.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,4-21 and 31 is/are rejected.

7) Claim(s) 2,3 and 22-30 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. <u>20</u> .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Response to Amendment***

1. Applicant's amendment was received on 8/26/05, and has been entered and made of record. Currently, **claims 1-31** are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to **claims 1-31** have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-21 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Okabe et al. U.S. Patent No. 6,128,104 (hereinafter Okabe).

3. With respect to claim 1, Okabe discloses a facsimile apparatus (figs. 1 & 8), comprising:

an image reading unit that reads from an original document an image to be sent (scanner 809);

a printing unit that reproduces a received image onto recording paper (printer 810);

a control device that calculates various kinds of data and controls the image reading unit and the printing unit (main controller 110 or 804);

an operating device (subcontroller 104 in conjunction with RTC) that works separately of the control device (col. 4, lines 58-61);

an operational condition switching device (subcontroller 104) that switches the control device to a sleep condition or an active condition, according to predetermined conditions (fig. 12), wherein the operational condition switching device is a part of the operating device (col. 4, lines 58-67);

an adjustment device that adjusts an operational condition (fax transmission) related to the operating device (fax transmission at an appointed time), at a predetermined adjustment time, wherein the adjustment device is a part of the control device (modem 111 in fig. 1 & col. 6, lines 22-38); and

a condition input device (fig. 11) that inputs a recovery condition to the operational condition switching device, so as to switch the control device from the sleep condition to the active condition, at the predetermined adjustment time when the control device executes the adjustment or at a predetermined time before the predetermined adjustment time, wherein the condition input device is a part of the operating device (col. 6, lines 22-25 & col. 15, lines 1-5).

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4. With respect to claim 4, Okabe discloses the facsimile apparatus according to claim 1, wherein the control device includes a display function for displaying the current time in the active condition (col. 3, lines 40-41).

5. With respect to claim 5, Okabe discloses the facsimile apparatus according to claim 1, wherein after a certain time has elapsed since the condition input device inputs the recovery condition to the operational condition switching device, the condition input device inputs a resume condition to the operational condition switching device so as to switch the control device to the sleep condition from the active condition (col. 15, lines 6-11).

6. With respect to claim 6, Okabe discloses the facsimile apparatus according to claim 5, wherein the condition input device variably controls a time when the recover condition or the resume condition is input, according to a user's setting (col. 14, lines 30-41 & col. 15, lines 27-35).

7. With respect to claim 7, Okabe discloses the facsimile apparatus according to claim 1, wherein the operational condition switching device switches the control device to the sleep condition from the active condition, as idleness in which the recovery condition to be input by the condition input device, or an external condition is not input, continues during a predetermined monitoring time (figs. 11 & 12 & col. 13, lines 53-65).

8. With respect to claim 8, Okabe discloses the facsimile apparatus according to claim 7, wherein the operational condition switching device switches the control device to the active condition, due to the external condition input during the sleep condition (col. 15, lines 1-5).

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9. With respect to claim 9, Okabe discloses the facsimile apparatus according to claim 7, wherein the operational condition switching device variably controls the predetermined monitoring time, according to a user's setting (col. 14, lines 30-41 & col. 15, lines 27-35).

10. With respect to claim 10, Okabe discloses the facsimile apparatus according to claim 1, further comprising:

a switching operation permitting/prohibiting device that permits or prohibits an operation of the operational condition switching device, according to a user's setting (col. 4, lines 20-24 & col. 5, lines 25-34).

11. With respect to claim 11, Okabe discloses the facsimile apparatus according to claim 1, further comprising:

an adjustment permitting/prohibiting device that permits or prohibits an execution of the predetermined operation by the control device, according to a user's setting (col. 4, lines 48-50; col. 5, lines 31-42; col. 14, lines 39-48; and col. 15, lines 12-22).

12. With respect to claim 12, Okabe discloses a facsimile apparatus (figs. 1 & 8), comprising:

an image reading unit that reads from an original document an image to be sent (scanner 809);

a printing unit that reproduces a received image onto recording paper (printer 810);

a control device that calculates various kinds of data and controls the image reading unit and the printing unit (main controller 110 or 804); and

an input/output monitor (subcontroller 104 in conjunction with time management 105 in col. 4, lines 58-67) that works separately of the control device and that switches the control device to a sleep condition or an active condition, according to predetermined conditions (col. 4, lines 25-34);

wherein the input/output monitor switches the control device from the sleep condition to the active condition at an execution time when the control device executes a predetermined operation or at a predetermined time before the execution time (col. 4, lines 25-34 & col. 15, lines 1-5).

13. With respect to claim 13, Okabe discloses the facsimile apparatus according to claim 12, wherein the input/output monitor includes a clock device that counts a current time separately of the control device (col. 4, lines 58-67), an operational condition switching device that switches the control device to a sleep condition or an active condition, according to the predetermined conditions, and a condition input device that inputs a recovery condition to the operational condition switching device, so as to switch the control device from the sleep condition to the active condition (col. 4, lines 20-24 & col. 5, lines 31-42); and

the predetermined operation includes an adjustment of an operational condition related to the clock device at the execution time or at the predetermined time before the execution time (col. 6, lines 22-38; col. 4, lines 25-34 & col. 15, lines 1-5).

14. With respect to claim 14, Okabe discloses the facsimile apparatus according to claim 13, wherein the control device includes a display function for displaying the current time in the active condition (col. 3, lines 40-41).

15. With respect to claim 15, Okabe discloses the facsimile apparatus according to claim 13, wherein after a certain time has elapsed since the condition input device inputs the recovery condition to the operational condition switching device, the condition input device inputs a resume condition to the operational condition switching device, so as to switch the control device to the sleep condition from the active condition (col. 15, lines 6-11).

16. With respect to claim 16, Okabe discloses the facsimile apparatus according to claim 13, wherein the condition input device variably controls a time when the recovery condition or the resume condition is input, according to a user's setting (col. 14, lines 30-41 & col. 15, lines 27-35).

17. With respect to claim 17, Okabe discloses the facsimile apparatus according to claim 13, wherein the operational condition switching device switches the control device to the sleep condition from the active condition as idleness in which the recovery condition to be input by the condition input device, or an external condition is not input, continues during a predetermined monitoring time (figs. 11 & 12 & col. 13, lines 53-65).

18. With respect to claim 18, Okabe discloses the facsimile apparatus according to claim 17, wherein the operational condition switching device switches the control device to the active condition, due to the external condition input during the sleep condition (col. 15, lines 1-5).

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19. With respect to claim 19, Okabe discloses the facsimile apparatus according to claim 17, wherein the operational condition switching device variably controls the predetermined monitoring time, according to a user's setting (col. 14, lines 30-41 & col. 15, lines 27-35).

20. With respect to claim 20, Okabe discloses the facsimile apparatus according to claim 13, further comprising:

a switching operation permitting/prohibiting device that permits or prohibits an operation of the operational condition switching device, according to a user's setting (col. 4, lines 20-24 & col. 5, lines 25-34).

21. With respect to claim 21, Okabe discloses the facsimile apparatus according to claim 13, further comprising:

a predetermined operation permitting/prohibiting device that permits or prohibits an execution of the predetermined operation by the control device, according to a user's setting (col. 4, lines 48-50; col. 5, lines 31-42; and col. 14, lines 39-48).

22. With respect to claim 31, Okabe discloses the facsimile apparatus according to claim 12, wherein the input/output monitor includes a clock device that counts a current time separately of the control device (col. 4, lines 58-67), an operational condition switching device that switches the control device to a sleep condition or an active condition, according to the predetermined conditions, and a condition input device that inputs a recovery condition to the operational condition switching device, so as to switch

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the control device from the sleep condition to the active condition (col. 4, lines 20-24 & col. 5, lines 31-42); and

the predetermined operation includes a timer transmission for transmitting data prepared by a user to a recipient at a predetermined time, based on a time counted by the clock device (col. 4, lines 48-50; col. 5, lines 31-42; col. 14, lines 39-48; and col. 15, lines 12-22).

### ***Allowable Subject Matter***

23. Claims 2, 3 and 22-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp  
November 15, 2005

Chan S. Park  
Examiner  
Art Unit 2622

  
EDWARD COLES  
SUPPLEMENTAL EXAMINER  
[Signature overruled]